

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

20-12212 BKOBJ01
BROCK & SCOTT, PLLC
302 Fellowship Rd, Suite 130
Mount Laurel, NJ 08054
(844) 856-6646
Attorneys for Freedom Mortgage Corporation

In Re:

SINCLAIR WAITHE

Case No: 22-10209-RG

Hearing Date: April 20, 2022

Judge: ROSEMARY
GAMBARDELLA

Chapter: 13

**OBJECTION TO CONFIRMATION
OF DEBTOR'S CHAPTER 13 PLAN**

Freedom Mortgage Corporation ("Creditor"), by and through its undersigned counsel, files this *Objection to Confirmation of Debtor's Chapter 13 Plan* [DE 18], and states as follows:

1. The Debtor filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on January 10, 2022.

2. Creditor holds a security interest in the Debtor's real property located at 156 Catherine Street, Elizabeth, NJ 07201 (the "Property"), by virtue of a Mortgage.

3. The Debtor filed a Chapter 13 Plan (the "Plan") on March 10, 2022 [DE 18].

4. The Plan includes payments toward the Note and Mortgage with Creditor; however, the figures used by the Debtor are inaccurate. Although Creditor has not yet filed its Proof of Claim, it is anticipated that the claim will include pre-petition arrears due to Creditor totaling \$84,889.87, whereas the Plan proposes to pay only \$55,000.00. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot

be confirmed. Creditor objects to any Plan which proposes to pay it anything less than \$84,889.87 as the pre-petition arrearage over the life of the Plan.

WHEREFORE, Creditor respectfully requests the entry of an Order which denies confirmation of the Plan unless such plan is amended to overcome the objections of Creditor as stated herein, and for such other and further relief as the Court may deem just and proper.

/s/Matthew Fissel

Matthew Fissel, NJ Bar No. 038152012

Andrew Spivack, NJ Bar No. 018141999

Jay Jones, NJ Bar No. 972011

Attorney for Creditor

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CERTIFICATION OF SERVICE

1. I, Cassondra Emanuel:

☐ represent the _____ in the above-captioned matter.

☒ am the secretary/paralegal for BROCK & SCOTT, PLLC, who represents Freedom Mortgage Corporation in the above captioned matter.

☐ am the _____ in the above case and am representing myself.
2. On March 29, 2022, I sent a copy of the following pleadings and/or documents to the parties listed below:

OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN
3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: March 29, 2022
/s/ Cassondra Emanuel
Cassondra Emanuel

Name and Address of Party	Relationship of	Mode of Service
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Served	Party to the Case	
SINCLAIR WAITHE 156 CATHERINE ST 60 MAIN ST ELIZABETH, NJ 07201-2612	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
BRUCE J. DUKE BRUCE J. DUKE, LLC 788 SHREWSBURY AVENUE, SUITE 2220 TINTON FALLS, NJ 07747	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Marie-Ann Greenberg 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004	Chapter 13 Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
U.S. Trustee Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	US Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/>

		E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
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* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.